

A GREAT HISTORIC PEERAGE

THE EARLDOM OF WILTES

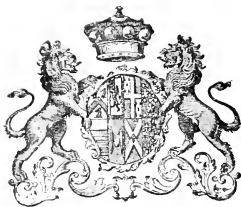


By JOHN HENRY METCALFE

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THE EARLDOM OF WILTES



* * * Only Five Hundred copies printed, six of which are for presentation, and have the Portrait of the Earl of Wiltes, and his Seal as Lord of Man and the Isles, Plates II. and III., printed on Japanese Vellum.





SIMON SCROOPE, OF DANBY SUPER YORE, IN COM. EBOR. ESQ.^R 1698.
 quarters as his Complete Atchievment, by right of Descent from Heirs
 General, these several Coats of Arms, viz.

1. Scroope, of Bellin; Baron. 2. Tébélot, of Langar; Baron. 3. Badlesmere, of Leeds-Castle; Baron.
4. Fitz-Bernard, of Kingsdown; Baron. 5. Cart, Steward of the Forest of Essex; Baron. 6. Nifford, Earl of Buckingham.
7. St. John, of a Noble Family. 8. Gower, Earl of Gloucester. 9. Fitz-Hamon, Earl of Carboil. 10. Marchall, Earl of Pembroke.
11. Strong, Earl of Pembroke. 12. Mat-Moragh, King of Lanster. 13. Lacy, Earl of Lincoln. 14. Fitz-John, Constable of Chester.
15. Nigel, Baron of Hallow. 16. Leves, a Noble Family. 17. Quincy, Earl of Lincoln. 18. Bellamont, Earl of Leicester.
19. Waleran, Earl of Mollent. 20. Waler of Guader. 21. Fitz-Oliver, Earl of Hereford.
22. Grutacine, of Thinkly; Baron. 23. Chester, Earl. 24. Lepus, Earl of North. 25. Leoric, Earl of Mercia.
26. Fitz-Maurice, Fitz-Giral, Duke of Ireland. 27. Fitz-John, of Danby. 28. Orpington, before.

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THE
EARLDOM OF WILTES

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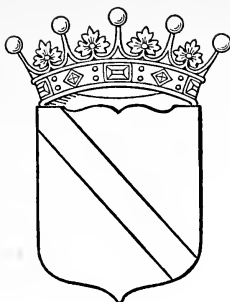


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THE CHISWICK PRESS

1899

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1322030



TO
THE MEMORY OF
MY RIGHT TRUE AND HONOURED
FRIEND

SIMON THOMAS SCROPE

OF DANBY

BY RIGHT TWENTIETH EARL OF WILTES



Simon Bt Co - \$10.00

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A GREAT HISTORIC PEERAGE: THE EARLDOM OF WILTES.

King Richard II. Too well, too well thou tell'st a tale so ill.
Where is the Earl of Wiltshire? where is Bagot?
What is become of Bushy? where is Greene?
That they have let the dangerous enemy
Measure our confines with such peaceful steps?
If we prevail, their heads shall pay for it:
I warrant they have made peace with Bolingbroke.

Sir Stephen Scroop (brother of the Earl of Wiltshire). Peace have they
made with him indeed, my lord.

K. Rich. O villains, vipers, damn'd without redemption!
Dogs, easily won to fawn on any man!
Snakes, in my heart-blood warm'd, that sting my heart!
Three Judases, each one thrice worse than Judas!
Would they make peace? terrible hell make war
Upon their spotted souls for this offence!

Scroop. Sweet love, I see, changing his property,
Turns to the sourest and most deadly hate:
Again uncure their souls; their peace is made

With heads, and not with hands : those whom you curse
 Have felt the worst of death's destroying wound,
 And lie full low, graved in the hollow ground.

Duke of Aumerle (son of the Duke of York). Is Bushy, Greene, and
 the Earl of Wiltshire dead ?

Scroop. Ay, all of them at Bristol lost their heads.

Aumerle. Where is the duke my father with his power ?

K. Rich. No matter where ; of comfort no man speak :
 Let's talk of graves, of worms and epitaphs ;
 Make dust our paper, and with rainy eyes
 Write sorrow on the bosom of the earth.
 Let's choose executors, and talk of wills :
 And yet not so, for what can we bequeath
 Save our deposed bodies to the ground ?
 Our lands, our lives, and all are Bolingbroke's,
 And nothing can we call our own but death,
 And that small model of the barren earth
 Which serves as paste and cover to our bones.
 For God's sake, let us sit upon the ground,
 And tell sad stories of the death of kings.

King Richard II., Act iii., Scene 2.



SIR WILLIAM LE SCROPE, K.G., created EARL OF WILTES, TO HOLD TO HIM AND HIS HEIRS MALE FOR EVER, by King Richard II., by Charter granted in Parliament, bearing date the 29th September in the 21st year of His Reign (1397), and put to death at Bristol in July, 1399, was the eldest son of Sir Richard le Scrope of Bolton, Lord Chancellor, created Lord Scrope of Bolton by Writ of Summons to Parliament 44 Edward III. (1371), by

his wife Blanche, daughter of Sir William De la Pole of Kingston upon Hull and sister of the celebrated Michael De la Pole, Earl of Suffolk. (1)

The unfortunate Earl of Wiltes seems to have inherited the brilliant bravery and abilities of his father, who was one of the most distinguished men of his day as a soldier and as a statesman. From his early youth he served with distinction in the wars of his time in France under John of Gaunt, Duke of Lancaster—the “Hundred Years’ War”—and was knighted for valour in the field. In the 6th of Richard II. (1383) he was appointed to the high office of Seneschal of Aquitaine, and the men-at-arms and archers to form his retinue mustered in England in July, 1384. In the 9th of Richard II. he was appointed Governor of the Castle and Town of Cherbourg. Although occasionally in England he held office in France until 1392. As further marks of royal favour he was appointed Constable of the Castle of Queenborough, 1389, Governor of Beaumaris Castle, and Chamberlain of Ireland. In 1391 he had a grant of the Castle of Bamburgh for life, which on his resignation of the office five years later was granted to Sir Stephen Scrope, his brother, during his life. On the 2nd of July, 1394, the King granted to him the Castle, Town, and Barton of Marlborough, to hold during his life, in lieu of a fee of 200 marks which the King had granted to him on the 30th of May preceding, on *retaining him to abide with Him, the King, during his whole life* (Queen’s Remembrancer’s Roll, Exchequer, 17th Richard II., Rot. I.). In 1393 he acquired the Isle of Man by purchase from William de Montacute, second Earl of Salisbury, and became Sovereign Lord of Man, with the style and title of King, and with certain regal prerogatives. In 1394 he was elected a Knight of the Most Noble Order of the Garter, and in the same year was appointed Vice-Chamberlain of the Household, and in 1396 Lord Chamberlain.

In the 19th of Richard II. he was appointed Ambassador to the King of France to negotiate the King's marriage with the Princess Isabel, and to treat for peace, and on the 9th of March, 1395-6, a Treaty of Peace to last twenty-eight years was entered into between Richard II. and Charles VI. of France, and was signed by Sir William le Scrope, as one of the Allies of the King of England, by the following description : "*Messire Guillaume le Scrope pour la Seignourie de Man.*"

In 1397 he was created Earl of Wiltes, and he sat in Parliament on several occasions as Earl of Wiltes. In the 20th Richard II. he was made Justice of Leinster, Munster, and Ulster ; Justice of North Wales, Chester, and Flint, and Surveyor of the Cheshire Forests ; and Constable of the Castle of Guines in 1398.

In the 21st of Richard II. the Earl of Wiltes was appointed Ambassador to treat for peace with Robert, King of Scotland, and in the following year, 1399, to the high office of Lord Treasurer of England. Finally, he was appointed by the King, Guardian of the Realm during his absence in Ireland, also (with Sir John Bussy, Speaker of the House of Commons, and Sir Henry Greene) Custos of the Castles of Rochester and Leeds, and, with the addition of Sir William Bagot, Custos of the Castle of Wallingford on the Thames. Compelled to abandon Wallingford Castle, where the child-Queen Isabel (she was but eleven years old), who had been placed by the King under his care for security, kept her Court, he retired to Bristol Castle to hold it for the King, or sail thence to join him in Ireland, and there, faithful to the end to his sovereign and friend, from whom he had received so many favours, he was beheaded by Henry of Bolingbroke without even the mockery of a trial, and his head sent to London to be set up on a spike on one of the gate-towers on London Bridge. (2)

"*Devant si jè puis*" is the Scrope motto, and some of my readers may think, from the above long list of honours and emoluments heaped



Legend. Sig(illum): Will(elmi): Lescropp: d(omini): Hanne: et: insularu(m.)

SEAL OF WILLIAM LESCROPP (OR LE SCROPE),
LORD OF MAN AND THE ISLES.

From a Cast in the British Museum. The Seal is in Paris, appended—together with the Seals of Edward, Earl of Rutland, Admiral of England,¹ and Thomas, Earl of Nottingham, Earl Marshal of England, Lord de Mowbray and Segrave²—to an ordinance in the *Tresor des Chartes, Archives Nationales* (J. 644, No. 17), by which “*Edouart, conte de Rutland, Thomas, Conte Marechal, et Guillaume Lescrop,*” referring to the Treaty of Peace, and Truce of twenty-eight years, lately made between France and England on the marriage of “the most high and puissant prince, the King of England, our sovereign lord, and *madame Isabel de France*, eldest daughter of his cousin of France,” decree that those who will not swear to keep the same “will be excluded and debarred from all the favours and rights appertaining to the said Treaties.”

“Given at Paris the ninth day of March the year of Grace 1395.”

¹ Edward (Plantagenet), Earl of Rutland and of Cork, Admiral of England, K.G.; created Duke of Albemarle (or D'Aumale) in 1398; succeeded his father as second Duke of York in 1402; killed at the Battle of Agincourt in 1415; eldest son of Edmund of Langley, Duke of York and Earl of Cambridge, fifth son of King Edward III.

² Thomas, Lord de Mowbray and Segrave, K.G.; created Earl of Nottingham in 1383, Earl Marshal of England in 1385, and Duke of Norfolk in 1397; died in banishment at Venice in 1399; grandson of Margaret Plantagenet (wife of John, Lord Segrave), created Duchess of Norfolk in 1397, the daughter and heiress of Thomas, “de Brotherton,” Earl of Norfolk and Earl Marshal of England, eldest son of King Edward I. by his second wife Margaret, daughter of Philip “le Hardi,” King of France, son of St. Louis. (See Note 13, p. 48.)

upon the Earl of Wiltes, that he must indeed have been a man determined to be in the forefront.

Shakespeare, in his *Richard II.*, Act ii., Scene 1, makes the Lord Roos, one of the adherents of Henry of Bolingbroke, and therefore an enemy to the Earl of Wiltes, exclaim :

“ The Earl of Wiltshire hath the realm in farm ! ”

King Richard II., as Dr. Purey-Cust, Dean of York, says in his *Heraldry of York Minster*, “ in spite of all his frivolities and excesses, must have been a fascinating person, for he had some grand traits of character, and was graceful and cultured,” and we may, therefore, assume that the Earl of Wiltes’ devotion to his Sovereign, and his cause, may have been as much from personal regard as a desire to exalt and enrich himself and his family.

During this rapid preferment large grants of land were given to the Earl of Wiltes by the King for the support of his new dignities, all which estates were seized by the usurper, Henry IV., to whom, some time after the Earl’s death, his widow, Isabel, in her desolation and poverty, was compelled to make a pathetic appeal for some small pittance for her support.

“ The King was in Ireland, and the Earl of Wiltes acting as Guardian of the Kingdom, in 1399, when Henry Bolingbroke, who had been banished by the King, landed at Ravenspur, ostensibly to claim the appropriated estates of his father, John of Gaunt, but really to snatch the sceptre, if possible, from the hand of his unpopular cousin, although he was not next heir to the crown. As he went southwards, finding the people favourable to his cause, he raised his standard, round which gathered a daily increasing army. As Bolingbroke approached London the Earl of Wiltes, as the King’s representative, finding he would not be able to withstand the forces of the rebel, retired to Bristol

Castle, for the purpose of defending it, and facilitating the landing of the King from Ireland, but was followed by Bolingbroke, who defeated him, took him prisoner, and caused him to be beheaded and attainted as a traitor by a Parliament which he summoned, which involved the forfeiture of the title had the proceedings been legal, which they were not, as the Earl could not be deemed a traitor for defending his Sovereign, and the Act of Attainder was passed by an incompetent Parliament, seeing that it was summoned, not by the King, who was still living, but by a would-be usurper, who had no legal authority to summon it. Consequently the decapitation of the Earl was nothing less than a murder, and the so-called attainder was void from the fact that he was not a traitor, and the so-called Parliament was no Parliament, and had no legal authority to pass such an Act. The title, therefore, cannot be considered to have become extinct, but to be lying dormant. In 1859 Simon Thomas Scrope, of Danby, made a claim in the House of Lords to the 'dormant' Earldom, as heir-male of the Earl, on the ground that the attainder was invalid, as taking up arms for the reigning King could not possibly be construed into treason. The case lasted ten years, during which time several questions were discussed. The first was respecting the patent of creation, which ran thus :"

The following is a translation of the King's Charter :

"Concerning an advancement } The King to the same (the Archbishops,
to the Dignity of Earl. } Bishops, Abbots, Priors, Dukes, Earls,
Barons, Justices, Sheriffs, Ministers, and all his Bailiffs and Trusty Subjects)
Greeting.

"Know ye that We, considering the probity, strenuous and provident circumspection, and the two-fold illustriousness of manners and of birth of Our beloved and trusty William Le Scrop, Chevalier, and willing therefore him, the said William, deservedly to exalt by the Prerogative of Honour, do advance and create him the said William in this Our

Present Parliament to be Earl of Wiltes, and do invest him with the Style, Title and Name and Honour of the place aforesaid by the girding of the Sword, TO HAVE TO HIM AND HIS HEIRS MALE FOR EVER (*et heredibus suis masculis in perpetuum*). And in order that the same Earl and his Heirs aforesaid, for the decency of so great a Name and Honour, may be the better and more honourably able to support the burdens incumbent on the same, of Our special Grace we have in Our Present Parliament given and granted, and by this Our present Charter do confirm to the same Earl and his Heirs aforesaid £20, to be perceived every year out of the issues of the County of Wiltes by the hands of the Sheriff of that County for the time being at the terms of Easter and Michaelmas by equal portions for ever. These being Witnesses : The Venerable Fathers, Robert, Archbishop of York, Primate of England ; R., Bishop of London ; W., Bishop of Winchester ; J., Bishop of Ely ; E., Bishop of Exeter, Our Chancellor ; John, Duke of Aquitaine and Lancaster ; Edmund, Duke of York, Our most dear Uncles ; Aubrey de Vere, Earl of Oxford ; Henry de Percy, Earl of Northumberland ; Reginald de Grey and John de Lovell, Knights ; Roger de Walden, Dean of York, Our Treasurer ; Guy Mone, Keeper of Our Privy Seal, and others. Given under *Our Hand* at Westminster on the 29th day of September.”
“ *By the King himself in Parliament.*”

“ The question was whether this meant that the title should descend collaterally as well as lineally, or only the latter, and it was decided that the former was the true reading, and that Simon Thomas Scrope had proved to the satisfaction of the House that he was true heir-male. The next main question was the validity of the attainder, when it was contended that it was not legal, as the Earl was not a traitor, but a loyal defender of his Sovereign ; but on the other hand it was argued that it became legal by its ratification by a subsequent Act of Parliament called by Henry after he had become King, subsequent to

the deposition of Richard, and although it was shown that the attainder of the Parliaments of Henry IV. were reversed by a Parliament of Edward IV., the somewhat illogical conclusion was come to by the Lords of the nineteenth century, that an Act of Parliament of the fourteenth century should be considered valid, simply because it was an Act of Parliament, even although it was reversed by a subsequent Act. Hence the claim was not admitted, but all the best authorities consider that the title is not extinct but still dormant."—*Historic Yorkshire Families*. See also *History of Hereditary Dignities with special reference to the Earldom of Wiltes*, by W. F. Finlason, Barrister-at-Law, 1869.

The Earldom of Wiltes has far more historical interest than the Earldom of Mar, which for so long a time attracted public attention. The history of the Scropes is for some time the history of Yorkshire, indeed of the North of England. Again and again there was a Scrope of commanding figure, who moved—high in station, powerful in person—across the scene of early English history. In the whole roll of the British Peerage there is, perhaps, no one family whose annals give so many romantic incidents, so many startling episodes. "The house of Scrope," says Burke, "was ennobled in two branches, SCROPE of Bolton and SCROPE of Masham and Upsall, and its members shared the glory of all the great victories of the Middle Ages. An unbroken male descent from the Conquest, if not from the time of Edward the Confessor, and the emphatic declaration of the Earl of Arundel, given in 1386, as a witness in the celebrated controversy between Sir Richard le Scrope and Sir Robert Grosvenor for the right of bearing the coat 'azure, a bend or,' as well as of numerous other deponents in that cause—including Edmund, Duke of York; John of Gaunt, Duke of Lancaster; John Holland, Duke of Exeter; the famous 'Hotspur,' and Chaucer the Poet (3)—that the representative of this family 'was descended from noble and generous blood, of gentry and ancient

ancestry, who had always preserved their name and estate in dignity and honour,' as well as their alliances and property, sufficiently attest their antiquity and importance; whilst the mere enumeration of the dignities which they attained between the reigns of Edward II. and Charles I. proves the high rank they enjoyed. In this period of three hundred years the house of Scrope produced two Earls and twenty Barons, one Chancellor, four Treasurers, and two Chief Justices of England, one Archbishop and two Bishops, five Knights of the Garter, and numerous Bannerets, the highest military order in the days of chivalry." To these may be added many Wardens of the West Marches on the Scottish Border.

Four of them have been immortalized in the plays of Shakespeare (*King Richard II.*, *King Henry IV.*, *King Henry V.*), two in the *Ballad of Flodden Field*, (9) and another in the *Ballad of Kinmont Willie*. (10) Their titles have been Barons Scrope of Masham and Upsall, by writ of summons, 1342; forfeited, 1415; restored, 1426; in abeyance, 1517; Barons Scrope of Bolton, by writ, 1371; in abeyance, 1627; Earl of Wiltes, by letters patent, 1397; forfeited by attainder, 1399; but *illegally*, and, therefore, since that time *dormant*; Earl of Sunderland, 1627; extinct the same year. The principal seats of the family have been—Bolton Castle in Wensleydale; Clifton Castle, Masham; Upsall Castle; Croft-on-Tees; Ellerton-on-Swale; South Kilvington; Spennithorne; Wadworth; Warmsworth; Wensley; Castle Coombe in Wiltes; Cockerington in Lincolnshire, and Danby Hall in Wensleydale, the present seat of the male representative of his historic race, Simon Conyers Scrope, *de jure* 21st Earl of Wiltes.

Eminent in the State and the Church, the Scropes have been no less distinguished and prowessfull in the battle-field.

Sir Geoffrey Scrope of Masham, Chief Justice of the Court of King's Bench, was equally eminent as a lawyer, a statesman, and a soldier. He was employed in various diplomatic missions, and went to

France to negotiate the marriage of the Princess Eleanor with the Dauphin.

He was with King Edward III. in his expedition to Scotland, and in 1340 at the siege of Tournay, and was made a Knight Banneret for valour in the Flemish wars. In the lists he also won renown for gallantry and prowess at the tournaments of Northampton, Guildford, and Newmarket, of which the aged Knight, Sir Thomas Roos, and Sir William Aton bore witness in their depositions during the famous trial in the Court of Chivalry between his nephew, Sir Richard le Scrope, and Sir Robert Grosvenor, ancestor of the Duke of Westminster. They said they had seen him "tournayer," and that he had "performed his part most nobly." By his wife, Ivetta, daughter of Sir William Roos of Ingmanthorpe, he had a son, Sir Henry (created Lord Scrope of Masham in 1350), an enthusiastic companion in arms of Edward III. in his wars in France and Scotland; knighted at the siege of Berwick; fought at Halidon Hill, Crecy, Durham, the seafight with the Spaniards at Espagnoles-sur-Mer, and at the siege of Calais. Two younger sons of Sir Geoffrey Scrope—Sir William and Sir Stephen—also fought on the famous field of Crecy.

Richard, first Lord Scrope of Bolton—Lord Treasurer 1371, Lord Chancellor 1378-82, father to the Earl of Wiltes—was a statesman of rare abilities, ranking among the foremost men of his day, and no less distinguished as a soldier. During forty years there was scarcely a battle fought by the English in which he did not take a conspicuous part. In 1346 he was one of the heroes of Crecy, and in the same year fought at Neville's Cross. He was at the siege of Calais in 1347, and in the sea-fight off Rye, when the Spaniards were defeated with the loss of twenty ships; went with John of Gaunt, Duke of Lancaster, to France in 1359, and to Spain in 1366; served under the Duke again in France in 1369 and 1373; assisted in the taking of Edinburgh in

1384, and was again fighting in Scotland in 1385 in the expedition of King Richard II.

Walsingham says of him that he was distinguished for his extraordinary wisdom and integrity. He was the builder of Bolton Castle in Wensleydale, a palace-castle similar to Sheriff-Hutton and other works of the latter part of the fourteenth century, and lived there in feudal splendour and with open-handed hospitality. He founded a chantry for six priests in the Castle, and in Wensley Church a chantry of Our Lady. In Easby Abbey he established twelve canonries, and he was a magnificent benefactor of the Carmelite Friars at North Allerton. He was challenger in the famous dispute in the Court of Chivalry known familiarly amongst Heralds as "The suit of the bend or."

Richard, third Lord Scrope of Bolton, who married the Lady Margaret Neville, daughter of Ralph, first Earl of Westmoreland, Lord of Raby and of Middleham (nephew and heir-male of the unfortunate Earl of Wiltes), was one of the commanders who served with King Henry V. in his expedition to France in 1415, and was at the battle of Agincourt with his retinue of fifteen lances and forty-five archers, the bowmen of Wensleydale, led by their captain, James Metcalfe. (4) The leading part taken by the English archers on that famous field is well told by Michael Drayton in his heart-stirring *Ballad of the Battle of Agincourt*, the finest war-song—with a ring in it like the blast of a trumpet—to be found in the English, or perhaps any other language.

“ Well it thine age became,
O noble Erpingham, (5)
Which didst the signal aim
To our hid forces;
When from a meadow by,
Like a storm suddenly,

A Great Historic Peerage.

The English archery
 Stuck the French horses

“ With Spanish yew so strong,
 Arrows a cloth-yard long,
 That like to serpents stung,
 Piercing the weather ;
 None from his fellow starts,
 But playing manly parts,
 And like true English hearts,
 Stuck close together.

“ When down their bows they threw,
 And forth their bilbows drew,
 And on the French they flew,
 Not one was tardy ;
 Arms were from shoulders sent,
 Scalps to the teeth were rent,
 Down the French peasants went ;
 Our men were hardy.

.

“ Upon Saint Crispin’s day
 Fought was this noble fray,
 Which fame did not delay
 To England to carry.
 Oh, when shall English men
 With such acts fill a pen,
 Or England breed again
 Such a King HARRY !”

On the field of Agincourt the famous Oriflamme of France, or banner of St. Denys, was displayed for the last time. Guillaume Martel, the Sire de Bacqueville, who bore the banner, was slain in the battle; the sacred Oriflamme of bright vermeil, semée of flames of gold, went down in blood and has never since been named in history.

Two Scropes, in addition to the Earl of Wiltes, have suffered death by the headsman's axe for so-called treason, but in reality for resisting the usurpation of the House of Lancaster, and for supporting the claim of their rightful sovereign descended from Lionel, Duke of Clarence. The second to die was Richard Scrope, Archbishop of York, whose tomb in the Lady Chapel of York Minster is one of the most historically interesting monuments which remain to this day, and once, in Catholic days, flocked to for prayer as to the shrine of a martyred saint, so beloved and revered was he by the people.

He was beheaded in 1405 for his share in the rising against the usurper Henry of Bolingbroke, which forms the plot of Shakespeare's *King Henry IV.*

The three Percies—Thomas Percy, Earl of Worcester; Henry Percy, Earl of Northumberland; and Henry Percy ("Harry Hotspur"), his son—thus refer to the Archbishop as they were plotting together in the palace in London: (6)

Worcester. You, my lord (*To Northumberland*),
Your son in Scotland being thus employed,
Shall secretly into the bosom creep
Of that same noble prelate, well beloved,
The Archbishop.

Hotspur. Of York, is it not?

Worcester. True; who bears hard
His brother's death at Bristol, the Lord Scroop."

And in the Second Part of *King Henry IV.*, in a parley before battle in the Forest of Galtres, to the north of York, the Earl of Westmoreland thus addresses the Archbishop :

“ You, Lord Archbishop,
Whose see is by a civil peace maintain'd,
Whose beard the silver hand of peace hath touch'd,
Whose learning and good letters peace hath tutor'd,
Whose white investments figure innocence,
The dove and very blessed spirit of peace,
Wherefore do you so ill translate yourself,
Out of the speech of peace that bears such grace,
Into the harsh and boisterous tongue of war ;
Turning your books to graves,¹ your ink to blood,
Your pen to lances, and your tongue divine
To a loud trumpet and a point of war ? ”

The third Scrope put to death during the reign of the first two kings of the House of Lancaster—Henry IV. and Henry V.—was Sir Henry, K.G., third Lord Scrope of Masham and Upsall, nephew to the Archbishop and cousin to the Earl of Wiltes. He indented with the King, Henry V., at Westminster to serve in France with three knights, twenty-six esquires, and ninety archers ; but he joined in the conspiracy of the Earl of Cambridge (brother to the Duke of York, slain at Agincourt), with whom he was put to death at Southampton, when the expedition was on the point of sailing. Richard of York, Earl of Cambridge, was married to the Lady Anne Mortimer, and their grandson, Edward Plantagenet, Duke of York, eventually ascended the throne as King Edward IV.

This Henry Lord Scrope of Masham was a man “ in whom the

¹ Qy., Greaves, leggings of leather or steel.

King had such great confidence that nothing of public or private concernment was done without him; his gravity of countenance, modesty of deportment, and religious discourse, being always such that whatsoever he advised was held as the fiat of an oracle."—Grainge's *Vale of Mowbray*.

In 1409 (10th Henry IV.) he was made Treasurer of England, and in the following year, in consideration of the necessity for his frequent presence in Parliament and Council, he had assigned to him, when sojourning in London, the villages of Hampstead and Hendon in Middlesex, for the lodging of his numerous retinue and the stabling of their horses. His manors were so numerous and in so many counties that, it is said, he could, when riding from his castle of Upsall in Yorkshire to London and returning thither, always rest each night on his journey in some manor-house upon his own land. His wife—in 1409—was Joane, Duchess of York, daughter of Thomas Holland, Earl of Kent, and widow of Edmund of Langley, Duke of York, fifth son of King Edward III.

This "brilliant marriage," as Archdeacon Purey-Cust says in his *Heraldry of York Minster*, "had acquired for him many advantages, for he became not only step-great-uncle to the King, but step-uncle to Edward, Duke of York, and Richard, Earl of Cambridge; while his wife's sister, Alianore Holland, having married Roger Mortimer, he became uncle to Edmund Mortimer, who was still languishing in prison, and to his sister Anne, who had married Richard, Earl of Cambridge. Thus he was naturally entangled in the conspiracy promoted by the latter, thus expressed in the record of his trial: 'He intended to kill the usurper, Henry of Lancaster, and to set the Earl of March upon the throne.'"

In *King Henry V.*, Shakespeare draws, in the young King, his model of all knightly, princely, and Christian graces—the one ideal character of all his plays; and Lord Scroop of Masham is represented as almost

the ideal of the King—the Launcelot of this King Arthur. In the great scene (Act ii., Scene 2), where Henry confronts the rebel Lords, the figure of “Scroop” rises pre-eminent, and the outburst of passionate reproach and grief with which Henry turns on him only betrays the admiration and sympathy which he feels for this noble traitor.

“Thou, that didst bear the key of all my counsels,
That knew’st the very bottom of my soul,”

he cries; and then, in those memorable words which follow, he paints the horror of a great soul betrayed into treachery, and declares that only some “cunning fiend” could have betrayed this man:

“Show men dutiful?

Why so didst thou: seem they grave and learned?

Why so didst thou: come they of noble family?

Why so didst thou: seem they religious?

Why so didst thou:”

and so on, recounting the virtues of this lost friend, till at last:

“I will weep for thee;

For this revolt of thine, methinks, is like

Another Fall of Man.”

He was beheaded on the 5th of August, 1415, and his head sent to York to be fixed on a pole over Micklegate Bar. (7)

These three kinsmen—the Earl of Wiltes, the Archbishop of York, and the Lord Scrope of Masham, were all put to death without so much as the pretence of a trial. Referring to similar proceedings in the past, Lord Macaulay justly observes, in one of his essays, that even a state trial “was merely a murder preceded by the uttering of certain gibberish and the performance of certain mummeries.”

John, eighth Lord Scrope of Bolton, was out in the Catholic rising of

the North against the blood-stained, lecherous tyrant, Henry VIII., in 1536, called "The Pilgrimage of Grace," and narrowly escaped the scaffold—saved, possibly, through the powerful influence of his wife's family, who favoured the new religion.

He and his near neighbour, Sir Christopher Metcalfe of Nappa, married sisters, the daughters of Henry, Earl of Cumberland, eleventh Lord de Clifford, created Earl of Cumberland in 1525 and Knight of the Garter in 1532. In this rising about 40,000 men were in arms. Sir Thomas Percy, son of Henry, fifth Earl of Northumberland, at the head of 5,000 men, carried the banner of St. Cuthbert of Durham. Sir Robert Aske led the second division, over 10,000 strong, the men of Holderness and the West Riding. The knights, esquires, and yeomen of Richmondshire and Durham, 12,000 men, well mounted and in complete armour, formed the rear.

Two more Scropes of this illustrious race must be mentioned, the "Lord Scroop of Bolton stern and stout," and his kinsman, "Lord Scroop of Upsall, th' aged knight," of Flodden renown, and both named in the famous *Ballad of Flodden Field* :

"Next whom in place was nexed near
Lord Scroop of Bolton stern and stout,
On horseback who had not his peer ;
No Englishman Scots did more doubt.
With him did wend all Wensledale
From Morton unto Moisdale Moor ;
All they that dwelt by the banks of Swale,
With him were bent in harness stour.
From Wensdale warlike wights did wend ;
From Bishopdale went bowmen bold,
From Coverdale to Cotter End,

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And all to Kidson Causey cold;
 From Mollerstang and Middleham,
 And all from Marsk and Middletonby,
 And all that climb the mountain Cam
 Whose crown from frost is seldom free;
 With lusty lads and large of length,
 Which dwelt at Seimer water side;
 All Richmondshire its total strength
 The lusty Scroop did lead and guide." (8)

Henry, ninth Lord Scrope of Bolton, K.G., was, in the 5th year of Queen Elizabeth, appointed Governor of the Castle of Carlisle and Warden of the West Marches. He married, secondly, the Lady Margaret Howard, sister of the Duke of Norfolk.

Mary Queen of Scots, on her flight from Scotland into England, was placed under his charge, first at Carlisle and afterwards at Bolton Castle, where she was kept a prisoner from 13th July, 1568, until the 26th of January following. Her nearly successful attempt to escape from Bolton, and the Catholic "Rising of the North" following shortly (November, 1569) after her hurried removal in mid-winter to a more secure prison—Tutbury Castle in Staffordshire—seem to prove the truth of the unfortunate Queen's words written from Bolton to the Queen of Spain on September 24th, 1568: "The whole of this part is devoted to the Catholic Faith," and, "I believe I have gained the hearts of a great many good people of this country, since my coming, so that they are ready to hazard all they possess for me and my cause." (9)

The claim to the dormant Earldom of Wiltes is one which presents some features of considerable interest, to which I propose to draw attention in greater detail, and after my digressive narration of a few of the more

romantic episodes in the history of the Scropes, a short *résumé* of the case may be an aid to memory.

The Earldom of Wiltes, *i.e.* Wiltshire, was conferred by Richard II. in 1397 upon Sir William le Scrope, K.G., his principal Councillor, Chamberlain, and Lord Treasurer. This Scrope, or le Scrope, was the eldest son of Sir Richard, created Lord Scrope of Bolton, whose first cousin, Sir Henry, had been created Lord Scrope of Masham in the middle of the reign of Edward III. Thus there were two peerages in the family even before the Earldom of Wiltes was created. Both branches of the family were seated in Yorkshire, and there one remains to this day.

There is very strong and conclusive evidence that the present head of the Scrope family is entitled to the ancient Earldom of Wiltes, which is nearly half a century older than that of Shrewsbury, now reckoned as the "premier" Earldom of England.

The claim was laid before the House of Lords in 1859, and was ten years delayed before the decision was given, during which time the greatest of the law lords who heard it, Lords Wensleydale and Cranworth, died, and Lords Westbury and Romilly took no part in it. Its decision, therefore, rested with Lord Chelmsford and a new Scotch law lord, Lord Colonsay. Virtually the decision was that of Lord Chelmsford, and a very curious decision it was! His Lordship began by admitting that the claimant had "proved his descent as heir-male general to Sir William Scrope, who by charter in the 21st year of King Richard II. was created Earl of Wiltes, 'to have to him and his heirs-male for ever;'" and then proceeded to state succinctly the two questions which had to be decided, *viz.*, First, whether a patent granting an English peerage to a man and his heirs-male for ever is a valid patent? Second, If it be, whether the Earldom granted to Sir William Scrope was not afterwards determined "by attainder, or forfeiture, or in some other manner?"

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Now, the former of these two questions had already been decided in the affirmative in 1831, when the famous claim to the Earldom of Devon was heard. Lord Chelmsford admitted this, and yet added, "But I cannot agree that the determination of one Committee for Privileges must be a binding and conclusive authority upon another." Thus the deliberate expression of opinion in the Devon case, after great consideration, by Lord Chancellor Brougham and other learned lords, in accordance with the authority of Lord Coke and supported by precedents, and acquiesced in by the Crown, was quietly set aside by Lord Chelmsford, who seems to have assumed that because that opinion was not necessarily conclusive, it was of no consequence at all, and that it might be set at naught without the least pretence of an argument against it!

Indeed, it would almost seem that Lord Chelmsford had an *animus* against the claim, so much did he go out of his way to oppose it. In spite of the allowance of the Earldoms of Devon and Oxford (De Vere), he decided that the original grant of the Earldom of Wiltes, a grant in the same terms as that of those two peerages, was invalid because the crown had no power "to give to a dignity a descendible quality unknown to the law, and thereby to introduce a new species of inheritance and succession." This was a gratuitous assumption on his part, and his mere opinion is hardly enough to outweigh the authority of Lord Coke or the reasoning of Lord Brougham. For fear, however, that the argument from the invalidity of the patent should not be considered strong enough, his Lordship had another string to his bow, viz., *forfeiture*. He admitted that there could have been no forfeiture for TREASON, because the first Earl was put to death while Richard II. was still sovereign, to whose cause he adhered to "the last."

Readers of Shakespeare will remember how Aumerle asks, "Is Bushy, Greene and the Earl of Wiltshire dead?" and how the unhappy King, on hearing, "Yea, all of them at Bristol lost their heads," said :

“Let’s talk of graves, of worms, of epitaphs,
Make dust our paper, and with rainy eyes
Write sorrow on the bosom of the earth.
Our lands, our lives, and all are Bolingbroke’s.”

Treason, indeed, to his rightful sovereign was the last thing of which the unfortunate but faithful Earl could be accused. It was necessary, therefore, to assume that the Earldom had been forfeited for some reason or other, because for a very long time *it had not been claimed*. One cannot help being reminded by this kind of argument of the old churlish refusal: “Those that ask don’t have, and *those that don’t ask don’t want!*”

“From the time,” said Lord Chelmsford, “of the death of the Earl to the present claim not the slightest recognition of the title has ever occurred. The only possible way of accounting for this is the belief of those who would have been entitled to succeed that no right of succession remained.”

Now the weakness of this argument will probably strike even outsiders who know nothing of legal intricacies. If the validity of a claim is to depend upon knowledge of it, very extraordinary consequences will follow. An infant in arms to whom a legacy is left will have no claim to that legacy because he cannot understand his ownership. Why, even in the matter of hereditary dignities, it has frequently happened that persons have lived and died without knowing that they were entitled to peerages. The Earldoms of Devon and Huntingdon and others were, as a matter of fact, unclaimed for long years by reason of the ignorance of the rightful Earls. But let us examine the case of the Earldom of Wiltes, and see whether there are not good reasons to account for the non-claim which Lord Chelmsford made his excuse for rejecting the petition.

When the usurper Bolingbroke beheaded the unfortunate Earl at Bristol, and, like Jehu, sent his head with those of Sir John Bushy and Sir Henry Greene to London, to strike terror into the citizens, whereby he paved his way to the throne, he seized the Earl's estate. (11) Now it must be recollected that in those days a title without estates was an absurdity; a peerage *meant* estates as well as a title; though the patent of nobility was of course by no means necessarily connected with estates. An Earldom without estates to support it would have been a burden too grievous to be borne, insomuch that in the reign of Edward IV. there was an act to relieve a poor duke of his burdensome dignity. The "reliefs" and other feudal burdens of earls in that age were extremely heavy. What wonder is it then if the rightful Earls of Wiltes did not care to claim the dignity? We all know that even in the present day, when a title is far from necessarily involving landed property, there are peers and baronets who do not care to "assume the title." The second Lord Tenterden was generally known as Mr. Abbott, and we have heard that the present Lord Fairfax, who is a medical man in Maryland, "drops" his title. It is perfectly intelligible that the Scropes in the fifteenth century should have done the same. Again, all the proceedings in the last Parliament of Richard II., at which the Earldom of Wiltes had been created, were annulled by Henry IV., and it was natural to *suppose* that the grants of peerages made by Richard in that Parliament were annulled. The original copy of the grant had, no doubt, been destroyed by the Earl's enemies at the time of his execution, and it was only discovered in recent times. Hence considerable ignorance as to their rights on the part of the Scropes in the generations succeeding the first Earl is easily accounted for, as well as an unwillingness to assert their claims, even supposing they knew them, as long as the Lancastrian dynasty was in power. (12) The lineal heirs-male of the first Lord Scrope of Bolton terminated in 1625 with the death, without legitimate

issue, of Emanuel, eleventh Lord Scrope of Bolton, who had been created Earl of Sunderland. In the times which followed the Scropes of Danby, heirs-male of the Earl of Wiltes, descended from John Scrope of Spennithorne and Hambledon (second son of Henry, sixth Lord Scrope of Bolton, by his wife the Lady Elizabeth Percy, daughter of Henry, third Earl of Northumberland), who had never ceased to be Catholics (nor have they to this day), were not likely to be successful in claiming a peerage—and, in fact, the Barony of Scrope of Bolton has continued unclaimed since the death of Emanuel, Earl of Sunderland, eleventh Lord Scrope of Bolton, as well as the Earldom of Wiltes. In the Civil War Bolton Castle was held for the King by a party of Richmondshire Cavaliers under the command of Colonel Scrope, who after a long and stout defence and the endurance of great privations—they are said to have been compelled to eat their horses—at last surrendered on honourable terms, and marched—"trumpets sounding, drums beating, colours flying, muskets loaded"—to Pontefract. Sir Gervase Scrope of Cockerington was a staunch and gallant Cavalier. He was left for dead on the field of Edgehill in 1642, having received no less than twenty-six wounds. On the following day his son found the still breathing but senseless body, and by tender care his life was saved and he survived the battle nearly ten years. His portrait is at Danby Hall.

Later on the Scropes were Jacobites and suspects. In the '15 Danby Hall was strictly searched by a party of Hanoverian soldiers, some of whom even made the brutal attempt to force their way into the bedchamber of Mrs. Scrope, who had just given birth to her youngest child, James. The family tradition says that the cook, arming herself with a spit, stationed herself at the chamber door and swore she would stick the first man who tried to pass her (*The Royalist*, vol. iv., No. 5, August, 1893). According to the Quarter Sessions Records for 1744, the year before the Jacobite rising of the '45, all "Papists" in the

townships of Wensley, Askrigg, Leyburn, and Thornton-Steward were required to give up their arms. This order seems to have been effectually evaded, as also the search for arms or "rebels" in the '15, for about fifty years since a secret chamber, the very existence of which had been forgotten—a hiding-place often used, no doubt, for the concealment of priests in the days of Elizabeth and James I.—was discovered between the hall fire-place and the exterior west wall of the house, and in it were swords, pistols, and saddlery for the equipment of a troop of horse. This chamber was about ten feet by six and about six feet high, perfectly dark, and ventilated by means of a flue in a chimney-stack. The discovery was made through a priest of antiquarian tastes who noticed that in the central stack of chimneys there were four outlets and only three fireplaces connected with them. A weight was let down, and the discovery made that one outlet communicated with the secret chamber above referred to.

As Mr. Finlason says in his book before named: "After the troubled times of the Rebellion and the Revolution, there came penal laws prohibiting Catholics from holding lands; and such times were little favourable to a claim by a Catholic family to an ancient earldom. Those penal laws continued in force in the last century, and the laws disqualifying Catholics from sitting in Parliament were in force until 1829." In short, there seems to be a very good reason for the non-claim, but at the same time no reason for supposing that the absence of *right* had anything to do with it. Early in the present century, by a mere accident, a discovery was made leading to the disclosure of the patent which granted the Earldom of Wiltes, and in 1829 the original charter by which the Earldom had been granted was published in the *Appendix to the Report on the Dignity of a Peer*. In like manner the Devon charter was accidentally discovered by Sir Harris Nicolas. In 1830 the Earldom of Devon was claimed, and in the judgment in that

case the grant of the Earldom of Wiltes—which was in the same terms as in the Devon case—was alluded to by the Lord Chancellor. Then, probably for the first time, the attention of the Scropes of Danby was called to their clearly evident claim. A new and most important testimony in favour of the claim to the Earldom of Wiltes, which, by some strange oversight or fatality, appears to have been unknown to Mr. Simon Thomas Scrope of Danby, the Petitioner, and his Counsel, is now in evidence, viz., an autograph letter from Henry IV. to his Chancellor, John de Scarle, in which he alludes by name and title to “William le Scrope, late Earl of Wiltshire.”

Mr. Fleming, the Claimant’s Counsel, often said that if an instance could be found in which Henry IV. actually spoke of Sir William le Scrope as Earl of Wiltes, it would be of the greatest importance. The letter of Henry IV. containing the words the production of which as evidence during the hearing of the Wiltes case would, according to Mr. Fleming, have carried so much weight, was, at the time, not only in a volume of autographs preserved in the Public Record Office, on vellum—see Rymer, viii., 181—but actually in *print* in *Royal and Historical Letters during the Reign of Henry IV.*, edited by the Rev. F. C. Hingeston, M.A., and published by Longman, Green, and Longman, in 1860!

“*Henri, par la grace de Dieu Roy d’Engleterre et de France, et Seigneur d’Irlande, a nostre treschier Clerc, Johan de Scarle, nostre Chancellor, saluz.*

“*Come a ce que nous sumes enformez Florimont, jadis Sire de Lesparre, feusse tenuz et obligez a William le Scrop, nadgairs Conte de Wiltshire, qui mort est, en une certeine somme, la quelle feut du tresor de Sire Richard, nadgairs Roy d’Engleterre, nostre darrein predecessour (qui Dieux assoille), baillee a l’avantdit William le Scrop pur ses gages, quant il feut seneschal de Guyene pur nostre dit predecessour. . . .*

"Vous mandons que sur ce favez faire lettres souz nostre Grant Seal en due fourme.

"Donne souz nostre prive seal a Westmonaster, le xvij jour de Mars, l'an de nostre regne primer."

Translation :

"Henry, by the grace of God King of England and of France, and Lord of Ireland, to our very dear Clerk, John de Scarle, our Chancellor, greeting.

"As we are informed, Florimont, formerly Lord of Lesparre, was held and bound unto William le Scrope, recently Earl of Wiltshire, now deceased, in a certain sum, the which from the treasury of Lord Richard, recently King of England, our late predecessor (whom God assoil), was assigned to the aforesaid William le Scrope for his wages, when he was Constable of Guienne for our said predecessor. . . .

"We command you that concerning this you cause letters to be written under our Great Seal in due form.

"Given under our privy seal at Westminster, the 17th day of March, the first year of our reign."

Henry IV. uses the very same word, "*nadgairs*"—recently, or late—in reference to the Earl of Wiltshire as he does regarding Richard, King of England, and as no one out of Bedlam could then, or now, deny that Richard II. was, both by right and in fact, King of England, it follows that Sir William le Scrope was, even in the opinion of his enemy and murderer, Henry IV., equally, by right and in fact, Earl of Wiltshire.

Considering the wording of the decision against the claimant of the Earldom of Wiltes arrived at by the learned Lords Chelmsford and Redesdale the wording of Henry IV.'s letter is of the greatest consequence, for if their decision means anything it means that Sir William le Scrope never really was Earl of Wiltshire. In the above

letter we have his enemy, the man who beheaded him, actually calling him *Earl of Wilteshire*!

The decision of Lord Chelmsford gave great dissatisfaction to many peers and eminent lawyers. As Lord Houghton pointed out, it unsettled the titles of several peers whose patents were in the same terms as that of the Earl of Wiltes.

The following protest was signed by the Duke of Norfolk, Earl Marshal; the Earl of Gainsborough; the Earl of Abergavenny; the Earl of Denbigh; the Earl of Warwick; the Earl of Granard; the Earl of Zetland, and the Earl of Feversham; also by Lord Wenlock; Lord Wentworth; Lord Colville of Culrosse; Lord Arundell of Wardour, and Lord Houghton:

“1. Because the resolution of the House is opposed to the decision in the Devon case in 1831, a decision accepted and acted on by the Crown. 2. Because King Richard was in full possession of the royal authority at the time that the dignity of Earl of Wiltes was created. 3. Because the proceedings relied on as affecting the rights of the heirs-male of the Earl of Wiltes were all taken at a time when no lawful or legal government existed in England, and that the subsequent proceedings in the Parliament of Henry IV. had in no manner purported to affect, or could in law affect, the dignity of the Earl of Wiltes.”

In the discussion which took place in the House of Lords the Duke of Cleveland proposed that the petition of the Claimant to the dignity of Earl of Wiltes be referred back to the Committee of Privileges to be re-heard. The noble Duke objected to the report of the Committee, on the ground that it contravened the decision given in the Devon case in 1831, and that several peers who heard the arguments had not concurred in the judgment.

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"In the Proceedings on the Wiltes Peerage Claim, Thursday, 1st August, 1867, Lord Redesdale in the Chair, *Mr. Fleming*, Counsel for the Petitioner, said :

"I submit to your Lordships that the right now claimed can be questioned only upon one of three grounds. Either that it was not the intention of the Crown to grant the Estate claimed,—that the words used do not create that Estate,—or that the Crown had not the power to create that Estate. I apprehend that my Learned Friend will not oppose me upon the latter ground.

"*Lord Chancellor* (Lord Chelmsford). You may leave out your third ground, may you not?

"*Mr. Fleming*. I should be delighted if your Lordships would allow me to do so.

"*Mr. Attorney-General* (for the Crown). I think the Devon Case is an authority certainly to this extent—probably your Lordship will consider it a conclusive authority—that it was in the power of the Crown to make such a Grant."

"In the Proceedings on the Wiltes Peerage Claim, Tuesday, 4th May, 1869, Lord Redesdale in the Chair.

Judgment.

"Lord Chelmsford said :

"In considering the patent of creation of the Earldom of Wiltes, I will assume that it is in entire conformity with King Richard's intentions, and that he had every motive for creating the dignity with the particular limitation assigned to it. The question then presents itself in the simplest and clearest manner whether it is competent to the Crown to give to a dignity a descendible quality unknown to the law, and thereby to introduce a new species of inheritance and succession. The question put in this way seems to answer itself. The Crown can have no such power unless there is something so peculiar in a dignity, so entirely within the province of the Crown to mould at its pleasure, that a limitation void as to every other subject of grant, is good and valid in the creation of a Peerage."

Here we have the Lord Chancellor and Mr. Attorney-General both agreeing, without arguing the point, "*that it was in the power of*

the Crown to make such a Grant," and yet the claim to the Earldom of Wiltes was, after all, disallowed on the ground that the Crown had no such power!

There are six instances in which there have been Grants of English Peerages with limitations to Heirs-Male—the Earldoms of Oxford, Wiltes, and Devon, and the Baronies of Hoo and Hastings, Richmond Grey, and Egremont. In Scottish Peerages such grants are well known.

In a leading article in *The Times*, 9th October, 1884, the writer—an eminent Barrister—thus refers to the Wiltes Peerage case: "None knew for centuries the strength of the claim to the Wiltes peerage, for example, until in recent years the terms of the patent were discovered. An important principle in peerage law favours the industrious or ingenious antiquarian. No statute of prescription runs against a right to a peerage. Estates may pass from family to family by lapse of time. A man loses property which he forgets to claim. But it is not so with dignities and honours, as to the preservation of which the law is solicitous and tender. With reference to the case of the Earldom of Oxford, LORD CHIEF JUSTICE CREW quaintly said, 'I suppose that there is no man that hath any apprehension of gentry or nobleness, but his affection stands to the continuance of so noble a name and fame, and would take hold of a twig or twine thread to uphold it.' In this spirit the right to a peerage has generally been treated by the law. It has not, indeed, been effectual to prevent the utter perishing and decay of many illustrious dignities. 'Time,' said the same Judge, 'hath his revolutions; there must be an end to all temporal things—*finis rerum*—an end of names and dignities, and whatsoever is terrene; and why not of DE VERE? For where is DE BOHUN? Where is MOWBRAY? Where is MORTIMER? Nay, what is more, and most of all, where is PLANTAGENET? These are entombed in the urns and sepulchres of mortality.' . . .

“Another circumstance which partially explains the uncertainty as to titles may be noted. The Committee for Privileges, unlike other supreme tribunals—and such in substance, though not in form, it is—follows no fixed rules of decision. It claims great latitude, even to the extent of differing with itself. A solemn decision with regard to one claim may be disregarded on the very next occasion when the Committee for Privileges has to determine the same point. Peers sit in Parliament without question in virtue of a title similar in all essentials to that which the Committee has declared bad. It has repeatedly been declared that the decision of the Committee as to the advice which it will give Her Majesty upon a particular claim of peerage is mere information and advice, and is in no sense of the term a judgment. Its decision in the DEVON case—the opinion, it may be observed, of a particularly strong Committee—in regard to a fundamental point of peerage law, was overruled, perhaps without sufficient reason, by the Committee which subsequently investigated the WILTES case. The House of Lords itself reversed in 1782 the decision with respect to the BRANDON peerage which it had arrived at in 1711 and in 1719. No lawyer would be confident that were the point involved in the WENSLEYDALE peerage reinvestigated it would be determined in the same way as it was decided in 1856. Still less confidence would there be that the opinion of the Committee in regard to the WILTES case—an opinion unsupported by any lawyer of eminence and opposed to facts which have subsequently come to light—would be sustained if the matter were again argued. And this brings us in presence of another great source of uncertainty and instability as to the fate of peerage claims. The resolutions of the Committee for Privileges are not always the decisions of a very authoritative tribunal. Occasionally this has been conspicuously the case; and it is matter for surprise that the peers have not been more careful in regard to a point which so nearly touches their interests and dignity. Even when able lawyers sit upon the

Committee the result may not be satisfactory. It is not every Chancellor or ex-Chancellor who is competent to discuss the refinements of peerage law, the regular succession to dignities in the time of RICHARD II., and the precise words necessary to constitute the forfeiture of a peerage. The result of some modern peerage cases would almost point to the conclusion that the ends of truth would be best gained by leaving such questions to be decided by a committee of historians."

The law ought to be tender in preserving so ancient a dignity as the Earldom of Wiltes, compared with which most peerages are of mushroom growth. We Englishmen are the richer for every link that keeps unbroken the chain uniting the England of our own days with the England of the Plantagenets. A disregard for antiquity is neither good taste nor good policy. "He who careth not whence he came, careth little whither he goeth."

It may be questioned whether even so ancient an Earldom, the grant of a Plantagenet, would have added to the dignity of the late Simon Thomas Scrope of Danby, or to the loving esteem in which he was held, but all who love England must deplore the gradual extinction of our ancient historic families and dignities, and Yorkshiremen especially must feel aggrieved that the Earldom of Wiltes, illegally forfeited in 1399, should be allowed by the Crown to remain dormant when it might have been so becomingly and justly restored to so noble a descendant of an illustrious Yorkshire house—a man universally beloved and honoured, "*sans peur et sans reproche*," like Bayard, the "good Chevalier."

Let us hope that his son and successor, the present claimant, is not utterly discouraged by the judgment given so incomprehensibly against his grandfather in 1869—a judgment which really seems to have been what Lord Chief Baron Kelly said of a certain ecclesiastical judgment, that it was one "of policy, not of law." Is it possible that the *odium theologicum* can have entered here also, the Scropes of Danby

being Catholics? The decision of 1869 is, however, by no means conclusive upon the claimant, and he may insist upon the Crown's grant, and appeal to the Crown to allow it. This is manifest from the case of the Earldom of Banbury in the reign of William III. The House of Lords rejected the claim; the claimant asserted it in a court of law in this way—that being indicted for murder he pleaded that he was a peer. The Attorney-General replied that his claim had been rejected by the House of Lords, and the Court of King's Bench, under Lord Chief Justice Holt, held this no answer, and laid the law down in these bold terms: "that no Englishman could be deprived of his inheritance, whether of estate or of dignity, except by the judgment of a court of law. 'A dignity is an inheritance,' and a man cannot be deprived of it but by legal judgment or by Act of Parliament. The Lords have no more any original jurisdiction to take away a man's inheritance to his dignity than to his estate. They have only a judicial jurisdiction by appeal. The reference to them of a claim to a dignity is voluntary on the part of the Crown, and only for their opinion or advice. If the claimant does not abide by their determination he can apply to the Crown by 'petition of right,' upon which the Crown will say, 'Let right be done'; and if the Crown will not admit the patent it must take proper proceedings to repeal it by *scire facias*."

Is it too much to hope that in this Jubilee Year the Crown may say, "*Let right be done*," and, by a graceful act of tardy justice, the cruel wrong suffered in the far-away past by a true-hearted, faithful servant to his rightful sovereign may be atoned for by the restoration of his well-earned dignity to his heir-male, Simon Conyers Scrope of Danby-on-Yore, now, *de jure*, twenty-first Earl of Wiltes?

Feast of St. Michael and All Angels, 1897,
the 500th Anniversary of the creation
of the Earldom of Wiltes, 1397.



NOTES.

Note 1, p. 3.



OCCUPYING a prominent position in the Hall at Danby-on-Yore in Wensleydale is a portrait of the Earl of Wiltes as King of Man, crowned, and with the Collar of the Order of the Garter round his neck. When, or by whom, the portrait was painted is unknown, but an expert has pronounced it to be of the time of Elizabeth or James I. It may have been copied from an older painting, or the portrait may be purely imaginary. In the time of James I. there was, it seems, a rage for paintings of famous ancestors.

*Portrait of
the Earl of
Wiltes as
King of Man.*

The inscription upon the painting is as follows :

GVLIELMVS LESCROPE
FILIVS BARON LESCROPE
COMES WILTONIÆ
THESAVRARIVS ANGLIÆ
DOMINVS MANIÆ
CONSTABVLARIVS
CASTRI DE QVEENEVRGH
15 IVNII AN^o RICH. 2
VICESIMO 1397.

William Le Scrope, son of Lord Le Scrope, Earl of Wiltshire, Treasurer of England, Lord of Man, Constable of the Castle of Queenborough, 15th of June, in the 20th year of Richard II., 1397.

In the opposite corner to the inscription is the Earl's Achievement of Arms.

The earliest of the unusually fine collection of family portraits at Danby Hall, of known date, is a painting of the time of Henry VIII., representing Henry, seventh Lord Scrope of Bolton, who died in 1533, and his second wife, Mabel, daughter of Thomas, Lord Dacre of the North.

Note 2, p. 4.

*Beheading of
the Earl of
Wiltes.*

In *La Chronique de la Traison et Mort de Richard deux Roy d'Engleterre* the writer says: "It is true that after they were taken" (the Earl of Wiltes, Sir John Bussy, and Sir Henry Greene) "the Duke caused their heads to be cut off, and sent their heads in a white basket to London, with a letter which was read before all the Commonalty of London."

The Commonalty of London placed the head of the Earl of Wiltes on London Bridge, but Henry after his accession ordered it to be delivered to the Earl's widow. (Close Roll, 2nd of Henry IV., M. 26.)

Note 3, p. 8.

*"Suit of the
Bend Or."*

Among the deponents who appeared on behalf of Sir Richard le Scrope was Sir Simon de Wenslagh, whose splendid brass in the choir of the church of Wensley, in Wensleydale, is the admiration of archæologists and artists. His testimony, alike curious and important, was evidently considered of great value from the prominent position it occupies among the depositions. It runs as follows:

"Sir Simon, parson of the church of Wynsselowe, of the age of sixty years and upwards, said, certainly that the arms, azure, a bend or, appertained to Sir Richard Scrope, for that they were in his church of Wynsselowe, in certain glass windows of that church, of which Sir Richard was patron, and on the west gable window of the said church were the entire arms of Sir Richard Scrope in a glass window, the setting up of which arms was beyond the memory of man. The said arms were also in divers other parts of the said church, and in his chancel in a glass window,¹ and in the east gable also were the said arms placed amongst the arms of great lords, such as the King, the Earl of Northumberland, the Lord of Neville, the Earl of Warren. He also said that there was a tomb in his cemetery

¹ The three shields now in the east window of Wensley Church are not those named in the above deposition, but of much later date. They are: (1) *Scrope* and *Tiptoft*, quarterly; impaling *Fitz-Hugh* and *Marmion*, quarterly. (2) *Scrope* and *Tiptoft*, quarterly; impaling *Dacre* and *Warren*, quarterly. (3) *France* and *England*, quarterly.

of Simon Scrope, as might be seen by the inscription on the tomb, who was buried in the ancient fashion in a stone chest, with the inscription, *Cy gist Simond le Scrope*, without date. And after Simon Scrope lieth one Henry Scrope, son of the said Simon, in the same manner as his father, next the side of his father, in the same cemetery. And after him lieth William, son of the said Henry Scrope, who lieth in the manner aforesaid beneath the stone, and there is graven thereon, *Ycy gist William le Scrope*, without date, for the bad weather, wind, and snow, and rain had so defaced it, that no man could make out the remainder of the writing, so old and defaced was it. Several others of his lineage and name were buried there, one after the other, under large square stones, which being so massive were sunk into the earth, so that no more of the stone than the summit of it could be seen; and many other of their sons and daughters were buried under great stones. From William came Henry Scrope, Knight, who lieth in the Abbey of St. Agatha, armed in the arms, azure, a bend or, which Sir Henry was founder of the said abbey; and Sir William Scrope, elder brother of Sir Richard that now is, lieth in the same abbey, with the arms depicted, but not painted. The said Sir Simon placed before the Commissioners an alb with flaps, upon which were embroidered the arms of the Scropes entire, the making of which arms and the name of the donor were beyond the memory of man. He added that the patronage of his church of Wynsselow had always been vested in Sir Richard Scrope and his ancestors bearing the name of Scrope, beyond the memory of man; and that the arms, azure, a bend or, had always been reputed to belong to him and his ancestors, and he never heard to the contrary; he had never heard that the arms had been challenged, or of Sir Robert Grosvenor, or any of his ancestors.

Sir Robert Constable deposed that he had seen Sir William le Scrope (afterwards Earl of Wiltes), the eldest son of the said Sir Richard, armed with the said arms at the chivauchée of the Lord of Lancaster through France into Guienne (A.D. 1373).

Two aged knights of the family De Roos appeared as deponents for their near kinsman Sir Richard le Scrope—Sir Robert Roos of Ingmanthorpe and Sir Thomas Roos of Kendal. Sir Geoffrey le Scrope of Masham married Ivetta, daughter of Sir William Roos of Ingmanthorpe, and his elder brother, Sir Henry le Scrope of Bolton (father of the above-named Sir Richard) married Margaret, daughter of William, second Lord de Roos, by Maude, daughter of John de Vaux. Sir Robert Roos of Ingmanthorpe, aged seventy-six, said that he remembered, when of tender age, seeing Sir Geoffrey le Scrope at Antwerp armed, *azure, a*

bend or, with a label argent, and that the said Sir Geoffrey was uncle to Sir Richard, and was then of the King's retinue with ten knights in his company. He also saw Sir William Scrope, elder brother of the said Sir Richard, so armed at the siege of Tournay. He said he had been armed since the battle of Duplin in Scotland, 1332. He said he had often heard that the ancestors of Sir Richard were noble and valiant persons and descended from eminent gentlemen (*grantz gentils hommes*), who had acquired great honour in their arms, and always peaceably possessed them from beyond the time of memory. Sir Robert Roos was born about 1310, so that at the battle of Duplin in 1332, when he was "armed," that is, first served in the field, he was twenty-two years old. Some lads were "armed" as early as ten years of age, many at fourteen or sixteen, while the larger number were under twenty.

John Charnels, Esquire, of an ancient Worcestershire family, aged fifty, a deponent for Sir Richard le Scrope, said he had been "armed" thirty-five years, so he began to serve in the field when fifteen; and Sir Gilbert Talbot of Richard's Castle, Herefordshire, aged forty, had been "armed" twenty-five years. Many of the deponents were aged men, and had passed most of their lives in the field. Sir Robert Roos of Kendal was eighty; Sir John Chydiok, a Dorsetshire knight, over one hundred; and Sir John Sully, of Iddesleigh in Devon, one hundred and five years old, was the hero of a hundred battles.

The depositions of about four hundred witnesses on behalf of Sir Richard le Scrope and Sir Robert Grosvenor were taken during this *cause célèbre*, which lasted five years, 1385-90, and amongst them occur the following well-known Yorkshire names:

The Abbot of St. Agatha at Easby, near Richmond, who, after describing the tomb of the Scrope founder, said that many of the family were buried in his church, "under flat stones, with their effigies sculptured thereon, and their shields with their arms, and on one side of the shield a naked sword; and that their arms were throughout the church of St. Agatha in glass windows, on tablets before altars, on vestments, chambers, glass windows of chambers, in their refectory, and on a corporax case of silk, the making of which, and the donor of it, were beyond memory;" the Abbot of the Abbey of Our Lady of York (St. Mary's Abbey); the Abbots of Selby; Rievaulx; Jervaulx; Byland; Roche; and Coverham; the Priors of Guisbrough; Lanercost; Wartre; Newburgh; and Bridlington; Sir Ralph Hastings; Sir Bryan Stapleton; Sir Robert Roos; Sir Gerard Grymston; Sir Robert Neville of Hornby; Sir John Bosville; Sir John Constable; Sir John

Mauleverer; Sir William Melton; Sir John Saville; Sir John Hotham; Sir Thomas Reresby; Sir Thomas Rokeby; Sir Thomas Boynton; Sir Ralph Eure; Sir Robert Conyers; and Richard Talbot, of the ancient family of Talbot of Bashall, who was one of the deponents for Sir Robert Grosvenor. Sir Robert Roos died in 1392, and was buried 21st January in a chapel dedicated to Our Lady at Ingmanthorpe. The site of the old Roos manor-house, chapel, gardens, &c., could, not long since, be traced in a field called Hall-garth. In 1664 the following arms of the Roos family were in the windows of the church of Kirk-Deighton, Yorkshire, in which parish Ingmanthorpe is situated: 1. Azure, three water bougets or; an annulet for difference, *Roos*. 2. *Roos*, differenced by a label gobonné arg. and gu.; impaling gu. a maunch arg., thereon an annulet, with an orle of roses of the second. 3. *Roos* impaling *Cobham*. 4. *Roos*, differenced by a label gobonné arg. and gu.; impaling, argent, a lion rampant azure. In the north part of the chancel was a tomb with the arms of *Roos*, differenced by a mullet. (*The Scrope and Grosvenor Controversy*, by Sir Harris Nicolas.)

In spite of the wanton destruction of monastic buildings, churches, church windows, brasses, and tombs at the "Reformation," and during the Great Rebellion, the well-known coat of Scrope, *azure, a bend or*, is still the predominant heraldic bearing in Yorkshire, with, perhaps, the one exception of the arms of the great house of Neville—that "stately branching cedar whose boughs shadowed the land"—*gules, a saltier argent*.

Much of the Scrope heraldry is gone, but many shields in glass, or carved in stone, memorials of past dignity and renown, may yet be seen in the Minster at York; the Abbey of St. Agatha at Easby, by Richmond in Yorkshire; Easby Church; Richmond Church; the Carthusian Priory of Mount Grace, near Northallerton; on the gateway of Kirkham Abbey (by the side of Roos and representing, no doubt, Sir Henry le Scrope of Bolton, who died in 1336, and his wife, Margaret de Roos); in the churches of Wensley; Aysgarth; Redmire; Downholme; Raskelfe; South Kilvington; Salwarpe,¹ Worcestershire; Langar, Nottinghamshire; Leeds; Bolton Percy; Spennithorne; and Ulshaw; at Danby Hall, and in the splendid dining-room of Gilling Castle, all ablaze with the heraldry of Yorkshire's ancient noblesse.

¹ "Salwarpe, Worcestershire." Azure, a bend or, a crescent sa. for difference. On the monument of Thomas Talbot, at Salwarpe. He was third son of John Talbot of Salwarpe, by Olive, daughter and co-heiress of Sir Henry Sherington, and died 8th June, 1613. From John Talbot of Salwarpe is descended the present Earl of Shrewsbury and Talbot. (*The Heraldry of Worcestershire*, by H. Sydney Grazebrook, pp. 504-562.)

*Richard,
3rd Lord
Scrope of
Bolton.*

Sir Richard, Lord Scrope of Bolton, came of age on the Feast of St. Petronilla the Virgin, 31st May, 1414, so on St. Crispin's Day, October 25th, 1415, the date of the battle of Agincourt, he was in his twenty-third year.

James Metcalfe of Worton in Wensleydale, born 1389, "a Captain in France at the Battle of Agincourt" (see the Heralds' Visitations), was only a few years older, twenty-six years of age, at the time of the battle. He bought the demesne of Nappa, near Bolton Castle in Wensleydale, of his companion in arms, Richard, Lord Scrope, on their return from France about 1416.

Richard, Lord Scrope, died during the siege of Rouen in 1420-1, aged twenty-seven. By his wife, Margaret Neville, daughter of Ralph, first Earl of Westmoreland, Lord of Raby and of Middleham, he left two sons—Henry, three years old at his father's death (1420), who succeeded him as fourth Lord Scrope of Bolton, and Richard, in after life Bishop of Carlisle.

At the so-called "thorough restoration," or, more correctly speaking, thorough and senseless destruction, of old Aysgarth Church in the year 1864, two shields of arms in glass, one commemorating Richard, Lord Scrope of Bolton, and the other, it is supposed, James Metcalfe of Nappa, which had been side by side in the east window from beyond memory, were cast out by the vicar and his architect as worthless! (1) Quarterly, 1 and 4, *Azure, a bend, or*, SCROPE; 2 and 3, *Argent, a saltier engrailed gules*, TIPTOFT of Langar, Baron; impaling, *Gules, a saltier argent*, for NEVILLE, Earl of Westmoreland. (2) *Argent, three calves passant sable*, METCALFE of Nappa. These shields, rescued from destruction in 1864, have lately been placed together again in a window in the Scrope chapel at Ulshaw Bridge, near Danby Hall.

Note 5, p. 11.

*Battle of
Agincourt.*

Sir Thomas Erpingham, a knight grown gray with age, having drawn up the English in battle array, the archers in front and the men-at-arms behind, rode along the ranks exhorting all to fight hardily, and when all was ready he threw his baton up into the air, exclaiming "Nestrocque!" ("Now strike!"), and then dismounted, as the King and the others had done. When the English saw Sir Thomas throw up his baton they gave a loud shout and set on, advancing slowly in order of battle, shouting the while. The archers, hidden in a meadow

at Tramecourt, took up the shouts, bent their long-bows and discharged flights of arrows. Hollingshed says: "His throwing up his truncheon was for a signal for the archers posted in the field at Tramecourt to commence the battle."

The archers were, for the most part, without any armour, in doublets, with their hosen loose, and hatchets or swords hanging at their girdles; some were barefooted and without hats. The English advanced, sounding their trumpets, and the French knights and men-at-arms stooped to prevent the arrows entering through the visors of their bacinets. The advanced guard of the French was thrown into confusion by the storm of arrows, and the horses becoming unmanageable added to the panic. Taking instant advantage of the disorder in the French ranks, the English archers threw down their bows and set on lustily with swords, hatchets, mallets, and bill-hooks, slaying all before them, till they came to the second battalion, or main body, which was in rear of the first; and the archers were closely followed by King Henry and his men-at-arms. (*Abridged from Monstrelet's account of the battle.*)

Note 6, p. 13.

From 8,000 to 20,000 men, according to different accounts, joined the standard of the Archbishop and encamped in a strong position in the Forest of Galtres, between York and Crake Castle, a stronghold of the Prince-Bishops of Durham, on a commanding hill-top. *Archbishop Scrope.*

Dr. Purey-Cust, Dean of York, in his *Heraldry of York Minster*, devotes a chapter—and a most interesting one it is—to the Scropes of Bolton and Masham and their heraldry in the Minster. From it I extract the following touching account of the death of Archbishop Scrope on Whit Monday, 8th June, 1405:

"The Earl of Westmoreland met them with an inferior force, and feeling his inability to cope with them, had recourse to stratagem. He invited a conference, heard their grievances, assured them that they should be attended to, and then suggested that, as their object was attained, their forces should be at once disbanded. The unsuspecting Archbishop, anxious for peace, fell into the trap. The armed men were dismissed, and he and Mowbray were immediately seized and carried to the King at Bishophthorpe, who was advancing by hasty marches to suppress the insurrection.

"Two years before, Henry had received from Scrope's hands the blessed Sacrament at the Minster; now the exasperated and triumphant King insisted on

his instant execution. The just and brave Judge Gascoigne, one of Yorkshire's noblest heroes, refused to pass sentence upon him. 'Neither you, my Lord, nor any of your subjects, can legally, according to the law of the realm, sentence any bishop to death.' But, 'Sir William Fulthorpe, Knight, learned in the laws' (Stow), hesitated not for a moment to obey the King's commands. Sentence was pronounced, and on the same day, mounted on a 'sorry nag' worth 40s., and clad in a blood-coloured garment with purple cord, he was taken to the river-bank at Clement-thorpe, in sight of his Cathedral Church. 'Son,' he meekly said to Thomas Alman, who was to be his executioner, 'may God forgive thee my death, as I forgive thee. But I pray thee that thou wilt give me with the sword five wounds in the neck, which I desire to bear for the love of my Lord Jesus Christ, who being for me obedient unto His Father until death, bore five principal wounds.' Then he three times kissed him, and kneeling down, with his hands joined and his eyes raised to heaven, prayed—'Into Thy hands, most sweet Jesus, I commend my spirit;' then, stretching out his neck, and folding his hands over his breast, the executioner at five strokes severed his head from his body. The Earl of Nottingham" (eldest son of Thomas de Mowbray, first Duke of Norfolk) "was condemned and executed in a similar summary manner, and the Earl of Northumberland, on receiving the intelligence, fled into Scotland.

"The next day following, four vicars choral of the Cathedral Church of York did unto the same church, five or more accompanying them, in fear and silence, not without fear and trembling, convey the body of the venerable prelate, where at the east end of the new work of the said Church, but with moderate ceremony, as the circumstances of the time permitted, that sacred body rests in the earth.' (*Barlow MS.*, Brown's *History*.) And there, when the grave was opened, March 28th, 1844, the remains were discovered and left undisturbed.

"It was a pious end to a holy life. It was an act of arbitrary power unique in the history of England: Becket had been murdered by obsequious courtiers; Simon Sudbury had been beheaded by the Wat Tyler's mob; and, in after days, Laud was condemned and executed by the supreme judicature of the land. But here the King himself usurped a power which the chief exponent of law told him he did not possess, and which, therefore, nothing could justify. Treacherously taken, unlawfully condemned—it was a cold-blooded murder.

"Life was lightly valued in those days, and '*sic volo sic jubeo*' often the policy of kings, but such an act as this could not be tamely submitted to. In vain were logs of wood laid upon the grave. The people flocked in numbers to offer

prayers as at a shrine of a saint; and doubtless they but expressed the wide-spread feeling amongst those whose sentiments it would be dangerous policy to disregard. The Scropes were amongst the most powerful families in the land, and certainly they, and the members of the other noble houses with whom they were related, would resent that the distinguished son of the head of the branch at Bolton, and no less distinguished brother of the head of the branch at Masham, should, by the same hand, be laid in bloody graves."

Regarding the fathership of the Archbishop, Sir Harris Nicolas, in his *Scrope and Grosvenor Controversy*, says, p. 121:

"Great confusion has hitherto prevailed with respect to the filiation of this eminent personage; and Dugdale, as well as several other writers, state that he was a son of Richard, first Lord Scrope of Bolton. The cause of this mistake is easily explained. In the copy of the Will of Lord Scrope in the Register of the Archbishop of Canterbury, there is a bequest in these words: '*Item Domino Archiepo Ebor' carissio filio meo meliorem ciphum meum de murreo scilicet maser,*'¹ and the passage has been deemed such conclusive evidence that he was the son of the testator, as to prevent a doubt on the subject being raised by the consideration that he is mentioned in that Will among Lord Scrope's cousins, instead of among his children, by the impossibility of reconciling the date of the birth of Roger, second Lord Scrope of Bolton, with the fact of this Richard being a bishop in 1386, or by the introduction of the label, the distinguishing mark of the house of Masham, into his arms. The Will of Sir John Scrope in December, 1405, who calls the Archbishop his brother; of Henry, Lord Scrope of Masham, in 1415, who speaks of him as his uncle; and the act of foundation of a chantry in the Cathedral Church of York by Thomas, fifth Lord Scrope of Masham, by which prayers were ordered to be said for the soul of his uncle (great-uncle) Richard, formerly Archbishop of York, prove beyond a doubt that he was the younger son of Henry, first Lord Scrope of Masham.

"The word '*filio*' in the Will of Richard, Lord Scrope of Bolton, must therefore have been used in a spiritual sense, and meant his 'godson,' which hypothesis is corroborated by the identity of their baptismal name."

On the other hand, Dr. Raine, in a note to the Will of Richard, first Lord Scrope of Bolton, given in *Testamenta Eboracensia*, vol. i., Surtees Society, says:

¹ "According to the copy of that Will in the Registry of York, Lord Scrope styled the Archbishop, '*Domino Archiepo Ebor' carissio patri et filio meo,*' which renders it more probable that the word 'son' as well as father was used in a spiritual sense."

"There is something very reverential, and at the same time affectionate, in the mode in which the father speaks of his son. The Archbishop of York was beheaded in 1405, for espousing the cause of Richard II.

"Sir N. Harris Nicolas' difficulty with respect to the age of the Archbishop at the time of his consecration to the See of Lichfield, in 1386, in consequence of the statement of Dugdale, that his elder brother, Roger, was only thirty years of age in 1402, is easily removed. Dugdale's information is doubtless drawn from the inquisition post mortem of their father, the testator before us, but inquisitions post mortem, if the heir be of full age, are beyond this extremely careless. In this instance the record, no doubt, runs *ætatis 30 et amplius*, an indefinite mode of expression, which may apply to a man of 50 or 60."

Later writers—see *History of England under Henry IV.*, by J. H. Wylie, M.A., vol. ii., and the new volume of the *National Dictionary of Biography*—seem to agree with Sir Harris Nicolas, and, therefore, in the Scrope pedigree at the end of this volume, the Archbishop's name will be found among the sons of Henry, first Lord Scrope of Masham.

Note 7, p. 16.

"A few weeks before his premature and unexpected death, Lord Scrope had executed his last will. This document, which bears date the 23rd of June, 1415, is of great length, and is a remarkable memorial of the wealth and munificence of the testator. It contains abundant proof of his attachment to the city of York and its numerous religious establishments. He desires that his body might be buried in the cathedral church of St. Peter of York, and he gives special directions for his tomb, '*tumba decens et honesta*,' upon which was to be placed his effigy, '*armatam in armis meis cum umbra leonis in le Bende, prout vivens utor*.' Little did he think that instead of his body reposing in peace within the sacred precincts of our noble Minster it was soon to undergo ignominious mutilation, and that his head, as the head of a traitor to his sovereign, was so soon to be exposed to the pitying gaze of the citizens of York upon the turrets of that gateway under which he had so often passed in pomp and dignity."—*Walks through the City of York*, Robert Davies, F.S.A.

Note 8, p. 18.

Lord Scrope's near neighbour in Wensleydale, James Metcalfe of Nappa, seems to have been in his following, and to have fought at Flodden Field, for in the

Henry, 3rd
Lord Scrope
of Masham.

Battle of
Flodden.

Chapter House Books, relating what horses were taken off the battle-field of Branxton Moor, or Flodden, on the 9th of September, 1513, mention is made of "James Medcalf of Nappay" as having received "three grey geldings, a baye gelding, and a black gelding."

In early life, when about the age of twenty, James Metcalfe had served under Richard, Duke of Gloucester, in his Scottish campaign of 1480-2. When the Duke of Gloucester became Richard III., in 1483, James Metcalfe received many proofs of royal favour, and "for his great services in England and Scotland, and especially lately about the acceptation of the crowne and royalle dignity of the realme," was made "Master Forester, or Master of the Game, within the King's Forests of Wensleydale, Raydale, and Bishopdale, and Parker of the Parks of Woodhall (near Nappa Hall) and Wanless in West Witton and Swinethwaite." He held also the office of Coroner of the Marshalsea of the King's Household.

In 1525 he was High Sheriff of Yorkshire, and in 1528 was knighted by the King (Henry VIII.) at Windsor.

Sir James was one of the King's Commissioners for the army in the North, and in this capacity held periodical musters of the men-at-arms, archers, and bill-men of the Wapentake of Hang West, on Middleham Moor. The last occasion on which he appears as Commissioner is in 1534, and this Roll is particularly interesting as it gives complete lists of men-at-arms, archers, and bill-men, arranged in order of parishes. It includes no fewer than ninety-six Metcalfes for the whole Wapentake, most of them being described as archers "horsed and harnessed." Of these, sixty-two came from the parish of Bainbridge alone, which, however, included the whole of Raydale. His eldest son, then aged twenty-one, is returned, among others, for Nappa, as "Christopher Metcalfe, Esquire." Sir James died in 1539, aged about eighty. No doubt many of Sir James's ninety-six clansmen named above—

"lusty lads and large of length,
Which dwelt at Seimer water side"—

had followed the "Lord Scroop of Bolton stern and stout," twenty years before, when—

"With him did wend all Wensleydale,
From Morton unto Mossdale Moor,"

and all the "power of Richmondshire," to victory on the famous field of Flodden.

John Leland, the historian (born about 1500 and died 1552), in his *Itinerary*, says that Nappa "and other places there aboute be able to make a 300 men yn very knowen consanguinitie to the Metecalfes," and Sir Christopher Metcalfe of Nappa, son of Sir James, when High Sheriff in the reign of Philip and Mary, 1556, wishful, it would seem, to prove the truth of Leland's assertion, mustered his clan—300 men of his name and kin—who, habited in his cloth, or livery, and well mounted on white horses, rode in his company to meet the Judges of Assize and conduct them to York.

Camden, the historian, writing in the time of Queen Elizabeth, thus tells the story :

"The river *Ure* (Yore) hath his fall heere out of the westerne mountains ; and, first of all, cutting through the middest of the vale *Wentsedale*, whiles it is yet but small, as being neere unto his spring head, where great flockes of sheep doe pasture, and which in some places beareth lead stones plentifully, is encreased by a little river comming out of the south, called *Baint*, which, with a great noise, streameth out of the poole *Semer* (Lake Semerwater).

"*Nappa* is an house built with turrets, and the chief seat of the *Medcalfs*, thought to be at this day the greatest family for multitude, of the same name, in all *England*; for I have heard that Sir *Christopher Medcalfe*, Knight, and the top of this kinned, being, of late, high-sheriffe of the shire, accompanied with three hundred men of the same house all on horseback, and in a livery, met and received the justices of assizes, and so brought them to *Yorke*.

"From hence runneth *Ure* down a maine between two rockes, where of the place is named *Ait-scarre* (Aysgarth), it runneth headlong downe, not far from *Bolton*, a stately castle, the ancient seat of the Barons *Scrope*, and which *Richard*, Lord *le Scrope*, and Chancellour of *England*, under King *Richard* the Second, built with exceeding great coste,—and now bending his course eastward commeth to *Middleham*."

Fuller, one of Camden's editors, justly remarks on this display of his power by Sir Christopher Metcalfe of Nappa that even the Roman *Fabii*, the most numerous tribe in the City of Rome, could hardly have made so fair, so brave a show.

The Ballad of Flodden Field, edited by Charles A. Federer ; Henry Gray, 1884. *Romantic Richmondshire*, by Harry Speight ; Elliot Stock, 1897. Camden's *Britannia* ; *Metcalfe Records* ; privately printed.

Note 9, p. 18.

They did indeed "hazard all."

"*The Rising
of the North.*"

After the suppression of this rising in the North, the Earl of Northumberland, many gentlemen of ancient lineage, and, in all, about eight hundred men, suffered death, by the headsman or hangman, out of the 13,000 who are said to have joined the standard of the Earls of Northumberland and Westmoreland—the Banner embroidered with—

"The Sacred Cross ; and figured there
The five dear wounds our Lord did bear." ¹

And many of the old noblesse of the "North Countrie" lost, if not life, their lands—their all—and died in poverty, exiles in foreign lands. From Newcastle to Wetherby there was not a town or village in which some of the inhabitants did not die on the gibbet :

"With them the noble Nevill came,
The erle of Westmoreland was hee ;
At Wetherbye they mustered their host,
Thirteen thousand fair to see.

"Lord Westmorland his ancyent raisde,
The Dun Bull he rays'd on hye,
And three Dogs with golden collars
Were there set out most royallye.

"Erle Percy there his ancyent spread,
The Halfe Moone shining all soe faire ;
The Nortons' ancyent had the Crosse,
And the five wounds our Lord did beare." ²

¹ Wordsworth's *The White Doe of Rylstone*.

² Ballad of *The Rising of the North. The Church under Queen Elizabeth*, by Frederick George Lee, D.D., Vicar of All Saints, Lambeth ; Thomas Baker, Soho Square, 1896.

Sir Ralph Sadler, writing to Cecil, said there were not at that time "in all this country ten gentlemen that do favour and allow of Her Majesty's proceeding in the cause of religion" (*State Papers*, vol. ii., p. 55). And on the 15th of December, 1569, he wrote: "The rebels do now gather all the forces they can make. And I learn all Cleveland, Allertonshire, Richmondshire and the Bishopric are wholly gone unto them, such is their affection to the cause of religion."

Note 10, p. 9.

*Ballad of
Kinmont
Willie.*

The "Lord Scrope" immortalized in the *Ballad of Kinmont Willie* was Thomas, tenth Lord Scrope of Bolton, K.G., who married Philadelphia Carey, daughter of Henry, first Lord Hunsdon, K.G., and died in 1609. The hero of the ballad, *Kinmont Willie*, was William Armstrong of Kinmonth, a descendant of the famous John Armstrong of Gilnockie. Lord Scrope, Governor of the Castle of Carlisle, was the English Warden, and Sir Walter Scott of Buccleugh the Scottish Warden of the West Marches.

In 1596, in open violation of a truce, Lord Scrope seized Kinmont Willie and took him to Carlisle as a prisoner. Sir Walter demanded the release of his man, which being refused he made a sudden raid, with two hundred horse, over the Border, took Carlisle Castle by surprise, released Kinmont Willie, and rode away with him in triumph.

"Now sound out trumpets!' quo Buccleugh,
'Let's waken Lord Scroop right merrilie!'
Then loud the Warden's trumpet blew—
O wha daur meddle wi' me?

• • • • •
"We scarce had won the Staneshaw-bank,
When a' the Carlisle bells were rung,
And a thousand men in horse and foot,
Cam wi' the keen Lord Scroop along.

"Buccleugh has turn'd to Eden water,
Even where it flow'd frae bank to brim,
And he has plunged in wi' a' his band,
And safely swam them through the stream.

“ He turn’d him on the further side,
And at Lord Scroop his glove flung he—
‘ An ye like na my visit in merry England,
In fair Scotland come visit me!’ ”

“ All sore astonished stood Lord Scroop,
He stood as still as rock o’ stane;
He scarcely daured to trew his eyes,
Where through the water they had gane.

“ ‘ He is either himsel a devil frae hell,
Or else his mither a witch maun be;
I wadna hae ridden that wan water
For a’ the gowd in Christentie!’ ”

The Border frays after this became more frequent and furious. After a time Buccleuch was sent to England as a hostage, and a family tradition says that he was presented to Queen Elizabeth, who asked him how he “dared to undertake an enterprise so desperate and presumptuous” as his surprise of the Castle of Carlisle. “What is it,” answered the “bold Buccleuch,” “that a man dares not do?” Struck with the reply, Elizabeth turned to a lord-in-waiting and said, “With ten thousand such men, our brother of Scotland might shake the firmest throne in Europe.”

Note 11, p. 22.

“The Earl of Wiltes at the time of his execution at Bristol held the Isle of Man as an independent Dominion, and in no manner as appurtenant to the Crown of England, and the Duke of Lancaster, afterwards King Henry IV., alleging that he had conquered the Earl at the time he caused him to be put to death, took and claimed the Island as a conquered Dominion. As a conquered Dominion King Henry granted it, in the first instance, to the Earl of Northumberland, to be held of the Crown by the Service of carrying a Sword, to be called the Lancaster Sword, at the Coronation of the Kings of England, and subsequently on the Attainder and Forfeiture of the Earl of Northumberland, to Sir John Stanley by the Service of Liege Homage and the render of two falcons,

*The Kingdom
of Man.*

and from the date of those Grants, but not previously, the Isle of Man has been appendant to the Realm of England, but no part of the Kingdom of England, and has passed by the King's Letters Patent under the Great Seal." See *Anderson's Reports*, vol. ii., p. 115, Case No. LX., *Wiltes Peerage Case*.

Note 12, p. 22.

*Reasons for
Non-Claim.*

"William, Earl of Wiltes, was put to death in July, 1399. Richard, Lord Scrope, his Father, died on the 30th of May, 1403. Roger, Lord Scrope, the son of Richard, and next Brother and Heir-Male of William, Earl of Wiltes, died on the 2nd of December in the same year. His Son, Richard, Lord Scrope, who was ten years old at the time of his Father's death, died on the 29th of August, 1421, and Henry Scrope, his Son and Successor, was then an Infant of the age of three years, and did not come of age until 1439.

"It thus appears that prior to the time at which the validity of the Creation of Honours made in the Parliament of the 21st of Richard II., was established, the Father, the Brother and the Nephew of the Earl of Wiltes had passed away, and that the Representation of the Family was vested in an Infant born more than twenty years after the Earl's death.

"When Henry, Lord Scrope, came of age, it is most probable that everything connected with the creation of the Earl of Wiltes had been lost sight of. The Charter granting the Dignity in all likelihood fell into the hands of the Officers of Henry IV., and it does not appear that any copy of it ever existed amongst the Muniments at Bolton Castle or amongst the Muniments of any member of the Scrope Family, and the provisions of it were until lately wholly unknown."—*The Wiltes Peerage Case*.

Note 13, Plate II.

An Admiralty Seal having upon it a single-masted ship, the main-sail of which is charged with the arms of ST. EDWARD THE CONFESSOR, with a label of three points, impaling FRANCE (ANCIENT) and ENGLAND, quarterly, with a label of five points. At the stern is a banner charged with three ostrich feathers, two and one, having scrolls on their quills. The pendant at the mast-head is charged with a Cross of St. George. *Legend.* S. edwardi : comitis :
 : & : de : cork : admiralí : anglíe.

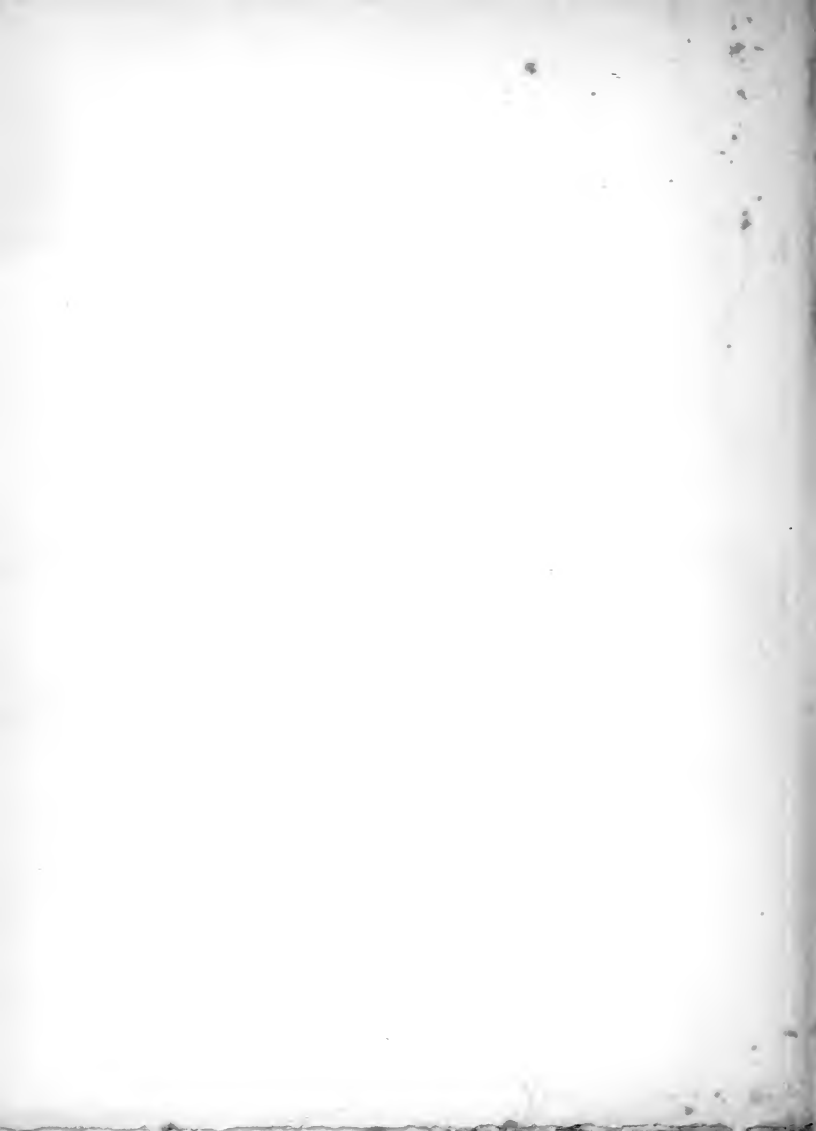
*Seal of
Edward,
Earl of
Rutland,
Admiral of
England.*

A shield of arms of ENGLAND with a label of three points, being the arms of his grandmother's father, THOMAS PLANTAGENET ("de Brotherton"), Earl of Norfolk and Earl Marshal of England, eldest son of King Edward I. by his second wife, Margaret, daughter of Philip "le Hardi," King of France, son of St. Louis IX. Crest, on a chapeau, a crowned Lion of England, as granted to him by King Richard II.—"a golden leopard with a coronet of silver." *Legend.* *Seal of Thomas, Earl of Nottingham, Earl Marshal, Lord de Mowbray and Segrave.*
Sig. : thome : co'tis : notyngham : ⁊ : marescalli : anglie : dñi : de : nowbray : ⁊ : segrave.

In the Collection at the Archives Nationales, Paris, the seals are thus numbered:

- 10163. *Guillaume Lescrop, seigneur de Man et des Iles.*
- 10179. *Thomas Mowbray, comte de Nottingham.*
- 10193. *Edouard, comte de Rutland, amiral d'Angleterre.*





Y, ESQUIRE,

LT

Stanwick,
York.]
CIS SCRO
D. W. L.
N SCROPI
i unmarried,
PHER SC
3 an infant,
daughter
account Dun
Robert Com
D. W. L.
account Dun
CN SCRO
oby, HER
WILLIAM
WILTES, D
MAS SC
HERN MA
ARL OF W
er of John
Court and
co. Mon.
and = E
tion,
LIAV
Id





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The writer regrets the misspelling of two names in the text—"Buccleuch" (Scott of Buccleuch), Note 10, pp. 46, 47, and "Crayke" (Crayke Castle), Note 6, p. 39, errors overlooked when correcting the proof-sheets.



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EASINGWOLD, near YORK.

March, 1899.



THIS work contains some of the more romantic episodes in the history of a great historic family of the North—the Lords Scrope, of Bolton, in Wensleydale, and the Lords Scrope, of Masham and Upsall—with remarks upon the unjust and illogical decision of a Committee of Privileges of the House of Lords in 1869 against the claim to the Earldom of Wiltes, made by Simon Thomas Scrope, of Danby, Esquire, heir male of Sir William Le Scrope, K.G., Sovereign Lord of Man, and Earl of Wiltes, of the creation of King Richard II., in 1397.

This adverse decision of the Lords Chelmsford and Redesdale gave great dissatisfaction to many peers and eminent lawyers.

As Lord Houghton pointed out, it unsettled the titles of several peers whose patents were in the same terms as that of the Earl of Wiltes.

The following protest was signed by the Duke of Norfolk, Earl Marshal; the Earl of Gainsborough; the Earl of Abergavenny; the Earl of Denbigh; the Earl of Warwick; the Earl of Granard; the Earl of Zetland; and the Earl of Feversham; also by Lord Wenlock; Lord Wentworth; Lord Colville of Culross; Lord Arundell of Wardour; and Lord Houghton:

(1.) "Because the resolution of the House is opposed to the decision in the Devon case in 1831, a decision accepted and acted on by the Crown.

(2.) "Because King Richard was in full possession of the Royal authority at the time that the dignity of Earl of Wiltes was created.

(3.) "Because the proceedings relied on as affecting the rights of the heirs male of the Earl of Wiltes, were all taken at a time when no lawful or legal government existed in England, and that the subsequent proceedings in the Parliament of Henry IV. had in no manner purported to affect, or could in law affect, the dignity of the Earl of Wiltes."

The illustrations in the work are a large Book-Plate (dated 1698) as frontispiece—a shield of twenty-eight quarterings—being the complete Achievement of Arms of "Simon Scroope of Danby on Yore, in Com. Ebor, Esq^r., 1698," printed from the original copperplate; (2) a Portrait of Sir William Le Scrope, K.G., Earl of Wiltes, as King of Man, crowned, and with the Collar of the Order of the Garter round his neck, from an old painting at Danby Hall; (3) Seal of Sir William Le Scrope as Lord of Man and the Isles, from the Seal appended—together with the Seals of Edward, Earl of Rutland, Admiral of England, and Thomas, Earl of Nottingham, Earl Marshal of England, Lord de Mowbray and Segrave—to an ordinance, dated 1395, relating to the Treaty of Peace between France and England, now in the *Archives Nationales*, Paris; and (4) Pedigree of Simon Conyers Scrope, of Danby on Yore, Esquire, claiming the Honour and Dignity of Earl of Wiltes.

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